

## Document Log

From		To	
Kathleen Mayo/R5/USEPA/US		tledder@ncis.net	
CC		BCC	
Subject		Date/Time	
Re: Bad River questions		04/21/2000 01:10 PM	

## Document Body

Tracey,

Don't worry about asking too many questions. In fact, Dave Pfeifer wondered if you needed us to have a conference call to be sure you have all the info you need. I told him that we had been corresponding by email. But, be sure to tell me if you want me to set up a conference call before your meeting with the Council. Here's what I know regarding your questions:

1) What happens to the three year review requirement when EPA promulgates? **When EPA promulgates standards, we're not required to do a triennial review. If for some reason you're worried about this, remember we've written something in to the tailored standards that will allow you, the Tribe, to request amendments through the Regional Administrator.**

2) Is a map or section description required for Reservation waterbodies? **No. In fact we removed all legal descriptions from the other two sets of standards. The reason we do this is because we'd be making a statement on your jurisdiction if we promulgated legal descriptions. Basically, we'd be agreeing with you that the water bodies are within your jurisdiction, when we really don't know whether they're in or out. EPA will just make a general statement saying something like "for all waters within the Bad River Reservation." Should there ever be a dispute between EPA or the State on your boundaries, that will be worked out at the time of a permit, TMDL, 401 certification, or whatever. I've heard lately, that for this potential rule, even Indian Country in dispute will fall under our authority until such time as the dispute is worked out. (Don't quote me on this, though, because I'm not a lawyer.)**

3) What happens with streams or lakes with no official name? **This is somewhat problematic and I'm trying to think about how I'm going to handle this with Keweenaw Bay. They have many, many streams that are unnamed and just numbered. I think if you have a good local name that everyone is familiar with, or a good description that will help. Keweenaw Bay tries to describe their unnamed waters very specifically, such as: "tributary that flows to Huron Bay." But when we're getting 1,2, and 3 unnamed tributaries that flow to Huron Bay I'm getting worried. I thought that perhaps they could have a map developed that I could include in a later technical support document that will give the general area of the water body, or I could refer readers to contact the Tribe for the map or approximate location. I haven't yet figured this one out. Alternatively, you could just make a blanket, default statement saying something like "all unnamed water bodies, will have the following designated uses....." And, I think I did include something like this for Bad River underneath the table of your water bodies.**

Have a good weekend!!

tledder@ncis.net on 04/21/2000 10:54:10 AM



tledder@ncis.net on 04/21/2000 10:54:10 AM

Please respond to [tledder@ncis.net](mailto:tledder@ncis.net)

To: Kathleen Mayo/R5/USEPA/US@EPA  
cc:

Subject: Bad River questions

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Kathy,

Questions, always questions!

If core standards or tailored standards are promulgated, what happens for the three year review requirement?

Is a map or Section description required for streams designated? What about streams or lakes with no official name but "locally known as ..."?

Tracey Ledder  
Bad River Water Resources Specialist  
[tledder@ncis.net](mailto:tledder@ncis.net)